

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA

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v.

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MICHAEL SMITH

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Case No. 3:06-cr-00031-WKW

FINAL ORDER OF FORFEITURE

This case is before the Court on the United States of America's Motion for a Final Order of Forfeiture (Doc. # 39). It is ORDERED that the Motion is GRANTED for the following reasons:

That on June 22, 2006, this Court entered a Preliminary Order of Forfeiture ordering defendant Michael Smith to forfeit:

**One Tanfoglio, F.I.L.I., S.N.C., Model TA76,
.22 caliber revolver, serial number D10327.**

That the United States published notice of this forfeiture in the Montgomery Independent newspaper in accordance with the law and as specified in the Preliminary Order, and further notified all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearm; and

That no timely petition has been filed.

The Court finds that defendant Michael Smith had an interest in the firearm that is subject to forfeiture pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c). The United States has established the requisite nexus between such firearm in the commission of the violation of Title 18, United States Code, Section 922(g)(1) and (g)(3).

It is therefore ORDERED, ADJUDGED AND DECREED that

1. The following firearm is hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c):

One Tanfoglio, F.I.L.I., S.N.C., Model TA76, .22 caliber revolver, serial number D10327.

2. All right, title and interest to the firearm described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law;
3. The U.S. District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and,
4. The Clerk of the Court shall forward two certified copies of this Order to the United States Attorney's Office.

DONE this 16th day of January, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE